

EXHIBIT A



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January 25, 2025

BY EMAIL ATTACHMENT ONLY

Katherine E. Flanagan
Littler Mendelson, P.C.
1301 McKinney St., Ste 1900
Houston, Texas 77010

RE: Request for stipulation regards admission of Carolyn Smith and Richard Finnell documents into evidence.

Dear Kit:

As discussed in email, I am requesting that BCM stipulate to the admissibility of the documents produced from the files of Dean Caroline Smith, Richard Finnell, and addressed in their depositions. They are clearly relevant business records and have been authenticated by testimony. In an effort to streamline the admission process, please respond by Friday of next week so I can submit a motion in limine seeking a pre-admit order from Magistrate Judge Bray. Needless to say, these are not the only exhibits I want to be introduced into evidence but this is a start considering the overall volume. They are listed in the table below with cites to the foundation.

With regard to email exhibits, I believe that Dean Smith contributed to authenticating most, if not all, emails produced by BCM marked by the BCM Bates Label and her testimony. For instance, on page 41-46 she testifies that she and her colleagues communicate with one another via systems that all use the @bcm.edu address. She went on to testify that the email exhibits were generated from her email system and that it was a regular course of business for member of the Baylor community to communicate with each other by email. Dean Smith also states that the matters reflected in the emails were discussed at the date and time indicated on the email's header. Therefore, I believe it is established that her emails (and others in the BCM community) are business records and an exception to the hearsay objection.

In reviewing the exhibits in preparation, especially those addressed in Dean Smith's deposition, I absent-mindedly handed the reporter pages with my marking on them. I request that, by agreement, we either substitute a clean copy of the exhibit or add an exhibit that the newly marked exhibit is the equivalent of that tendered in deposition. Of course, if deposition testimony and video are used at trial with references to exhibits, we can deal with that in trial so as to avoid confusion. I've done that before.

You may also note in the table below, that offer comment (in red) about illegible copies or a document referenced in email yet to be produced.

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As well, I am requesting stipulation on the recordings and transcripts based upon a certified court reporter's transcription of the original recordings with assistance of our forensic expert's application of clarifying techniques, that work and his report having been provided upon the designation of Plaintiff's experts. Those are listed at the end of the following table.

EX.	Description	Foundation	Objection or Stipulation
1	10.25.2018 Appointment of Major Advisor with Compact (BCM [Doe] 0003001-302)	Finnell Depo p. 44-45	
4	06.03.2019 Doe to Finnell Update (BCM [Doe] 000872)	Finnell Depo p. 87-88	
6	06.27.2019 (12:21am) Doe's Friend to Finnell re: concern (BCM [Doe] 000854)	Finnell Depo p. 97-100	
8	06.27.2019 (12:59am) Doe to Finnell - re: meeting (BCM [Doe] 000862)	Finnell Depo p. 117-120	
9	07.07.2019 (6:42pm) Finnell to Doe (BCM [Doe] 000864 - 000867)	Finnell Depo p. 126-127	
12	08.13-14.2019 Email re: Finnell and Dean Smith meeting (BCM [Doe] 008564 - 008567)	Finnell Depo p. 138-139 Smith Depo p. 141-149	
13	08.13.2019 Smith Meeting Notes (BCM [Doe] 008572 - 008573)	Smith Depo p. 150-152	
14	08.29.2019 Email Doe - Finnell re: Conference Attendance (BCM [Doe] 000871 & 000874)	Finnell Depo p. 160-161	
15	09.05.2019 Steele to Finnell re: complaint against Doe (BCM [Doe] 006407)	Finnell Depo p. 163-168	
16	09.23.2019 Email Finnell to Steele re: Email to Klotman and other senior administrators (BCM [Doe] 006414 - 006417)	Finnell Depo p. 169-175	
17	09.23.2019 Dean Smith to Steele Responds to Steele re Email to President and other senior administrators (BCM [Doe] 006424)	Finnell Depo p. 176	
18	09.27.2019 Finnell to Steele re: investigation (BCM [Doe] 006426)	Finnell Depo p. 178-179	

19	12.12 & 20.2019 Email Steele to Finnell - re: outcome of his complaint against Doe (BCM [Doe] 006469 - 006470)	Finnell Depo p. 180-183	
20	11.18.2020 Email Smith to Finnell re: TAC meeting (BCM [Doe] 006434 - 006435)	Finnell Depo p. 189-191	
21	11.19.2019 Email Smith updates Finnell on process (BCM [Doe] 006437 - 006438)	Finnell Depo p. 192-195	
22	11.18 / 10 / 17.2019 (Ex.20 + updates) Email Smith to Finnell - process status (BCM [Doe] 006453 - 006460)	Finnell Depo p. 189-195	
23	05.21.2019 Doe Qualifying Exam ()	Finnell Depo p. 209-210 Smith Depo p. 246-248	
24	10.21.2019 Finnell forwards Email re: Doe Poster Award (BCM [Doe] 006428)	Finnell Depo p. 211-213	
25	11.20.2019 TAC Committee Email with Doe evaluation (BCM [Doe] 006447 - 6448 / 000873)	Finnell Depo p. 214-215	
26	01.28.2020 Gorelick to Finnell - Doe gone (BCM [Doe] 006479)	Finnell Depo p. 215	
30	Student Official Transcript (BCM [Doe] 005207 - 005208)	Smith Depo p. 252-254	
33	05.16.2017 Doe Requests Transfer to different program (Plaintiff - 003103)	Smith Depo p. 40-41	
35	05.30-31.2017 Decision approving transfer to Biochemistry (BCM [Doe] 001445)	Smith Depo p. 41-46	
37	10.14.2017 Dr. Rhee letter in support of leave of absence (Plaintiff - 003107)	Smith Depo p. 76-77	
56	10.17.2019 Smith Letter to Doe Notice of Steele Complaint (BCM [Doe] 001520)	Smith Depo p.189-190	
57	11.24.2019 Doe Response to Investigation Report (BCM [Doe] 000991 - 001002)	Smith Depo p. 201-203	
64	07.09.2019 Smith and Morehead - No contact arrangements (BCM [Doe] 008622 - 008624)	Smith Depo p. 115-116	
66	07.26.2019 Lauro Report (signed - no exhibits) (BCM [Doe] 008065 - 008082)	Smith Depo p. 127-129	
68	08.13.2019 Morehead Determination (BCM [Doe] 007845 - 007854)	Smith Depo p. 165	

70	08.26.2019 Steele to Morehead/Smith re: Determination (BCM [Doe] 008674 - 008675)	Smith Depo p. 168-169	
71	08.26 - 09.01.2019 Steele to Morehead / Smith Continue from Ex.70 - re: Doe return to lab (BCM [Doe] 008691 - 008695)	Smith Depo p. 172-174	
72	Section of Policy with Smith Handwriting (BCM [Doe] 008683)	Smith Depo p. 175-177	
74	09.23.2019 Email Smith to Morehead requests follow-up (BCM [Doe] 008663)	Smith Depo p. 177-178	
76	10.31-11.04.2019 Email Steele to Morehead /Smith update (BCM [Doe] 008450 - 008452)	Smith Depo p. 196	
87	05.11.2017 Doe reports harassment to Bertuch (BCM [Doe] 009574 - 009576)	Smith Depo p. 41-46 Produce a better copy, please.	
89	06.29 / 07.11.2017 Morehead to Bertuch re: process cc: Smith and internal investigator (BCM [Doe] 009548 - 009549)	Smith Depo p. 68-69 Better copy?	
90	07.12.2017 Email Bertuch to Employee Relations (BCM [Doe] 009577)	Smith Depo p. 70-71	
91	05.11.2017 - 06.29.2017 (Ex.87 forward) Doe / Bertuch / Smith / Brooks - quoting Charlene Emerson complaint (BCM [Doe] 009550 - 009560)	Smith Depo p. 73-76	
92	Academic Summary for Jane Doe (BCM [Doe] 001776)	Smith Depo p. 77-79	
93	07.27.2018 Smith Email re: Doe Ending LOA (BCM [Doe] 008740 - 008741)	Smith Depo p. 80-81	
94	07.27.2018 Smith to Doe advisors re: her return from LOA (BCM [Doe] 008742)	Smith Depo p. 83	
95	07.30.2018 Wellness Intervention Team Report (BCM [Doe] 008735 - 008736)	Smith Depo p. 87-88	
96	2018.08.01 Smith Letter to Promotions Committee re Proposed Plan for Doe following LOA (BCM [Doe] 008733 - 008734)	Smith Depo p. 91-93	
97	08.02-03.2018 Smith to Doe Advisor re transferring financial support after Doe transfers (BCM [Doe] 008737)	Smith Depo p. 93-95	
98	06.27.2019 Smith to Finnell re: Doe friend's email (BCM [Doe] 008648)	Smith Depo p. 97-98	

99	06.27.2019 Email Smith and Finnell with handwritten notes (BCM [Doe] 008644)	Smith Depo p. 98-100	
100	06.27.2019 Smith Hand written notes (BCM [Doe] 008646)	Smith Depo p. 100-104	
101	06.27.2019 Smith to Doe's Friend (HW note) (BCM [Doe] 008647)	Smith Depo p. 104-106	
103	07.03.2019 Smith to Morehead re process of separation (HW notes) (BCM [Doe] 008640 - 008641)	Smith Depo p. 108-109	
104	10.25.2018 Smith response to notice of Doe joining Finnell (HW notes re TC) (BCM [Doe] 008649)	Smith Depo p. 110-112	
105	07.02.1019 Smith handwritten note re separating parties (BCM [Doe] 008643)	Smith Depo p. 113-114	
106	07.03.2019 Smith to Finnell - Request to meet (BCM [Doe] 008643)	Smith Depo p. 114-115	
107	07.09.2019 Smith Letter to Finnell re separation (BCM [Doe] 008629)	Smith Depo p. 114-115	
108	07.09.2019 Smith handwritten notes re: Los Rios receipt of complaint (BCM [Doe] 008633)	Smith Depo p. 118-119	
109	07.09.2019 Smith to Finnell explaining Title IX process (BCM [Doe] 008652 - 008628)	Smith Depo p. 121-123	
110	08.26.2019 Smith handwritten note re call with Finnell (BCM [Doe] 008696)	Smith Depo p. 124-125	
111	08.01.2019 Smith handwritten note re call with Morehead (BCM [Doe] 008616)	Smith Depo p. 134-138	
112	08.04.2019 Letter from Doe's father to Dean Smith (BCM [Doe] 008614)	Smith Depo p. 139-140	
113	08.13.2019 Smith handwritten notes from meeting with Finnell of that date (BCM [Doe] 008574 - 008575)	Smith Depo p. 149-159	
114	08.14.2019 Smith handwritten notes from meeting with Morehead (BCM [Doe] 008570)	Smith Depo p. 166-167	
115	08.26.2019 Morehead memo re Doe's Request for Appeal (BCM [Doe] 007869 - 008573)	Smith Depo p. 171-172	

116	09.23.2019 Finnell to Smith - requests update (Handwritten names) (BCM [Doe] 008662)	Smith Depo p. 178-181	
117	09.23.2019 Steele email to President and senior administration; Smith reply to Steele and his response (BCM [Doe] 006424 - 006425)	Smith Depo p. 179-181	
118	09.24.2019 Gorelick to Smith requesting update on Doe (BCM [Doe] 008665)	Smith Depo p. 185	
119	09.29.2019 Bertuch to Smith re: Steele contact (BCM [Doe] 008659 - 008660)	Smith Depo p. 187-188	
120	10.12.2019 Smith to Finnell - update (BCM [Doe] 008655)	Smith Depo p. 188-189	
121	10.22.2019 Smith Handwritten note re: UT investigation (BCM [Doe] 008654)	Smith Depo p. 192-193	
122	10.31 - 11.02.2019 Steele to Morehead re UT Title IX (BCM [Doe] 008396 - 008398)	Smith Depo p. 194-195	
123	11.18.2019 Finnell to Smith re: Doe TAC meeting (BCM [Doe] 008446 - 008448)	Smith Depo p. 192-193	
124	11.19.2019 Morehead letter to Steele re: Moore investigation concluded (BCM [Doe] 001651 - 001652)	Smith Depo p. 200-201	
125	11.19.2019 Morehead to Doe (cc:Smith) Investigation Report available (BCM [Doe] 001657)	Smith Depo p. 201	
126	12.05.2019 Knubley sends recommendation for discipline (BCM [Doe] 006538)	Smith Depo p. 204	
127	12.05.2019 Originating email from Knubley (Ex.126) with attached letter to Smith (BCM [Doe] 006534 - 006536)	Smith Depo p. 205-206	
128	12.05-12.09.2019 (Ex.126 forward) Smith requests joint recommendation with Morehead - Knubley (BCM [Doe] 006548 - 006549)	Smith Depo p. 206-207	
129	12.05-12.09.2019 (Ex.126-127+) Smith to Knubley (BCM [Doe] 006550 -006552)	Smith Depo p. 209-210	
130	12.10.2019 Smith receives Student Mental Health Memo (BCM [Doe] 008190-008191) Please provide a copy of Memo	Smith Depo p. 210-213	
131	12.11.2019 Smith to Christner - designee (BCM [Doe] 000201)	Smith Depo p. 213-214	
132	12.16.2019 Dean of Med School - designee (BCM [Doe] 008473)	Smith Depo p. 214	

133	11.18 - 12.17.2019 Finnell / Smith updates (Ex.22) (BCM [Doe] 006453-006460)	Smith Depo p. 215-216	
134	12.20.2019 Smith to Doe notifying of dismissal recommendation (BCM [Doe] 008469-008470)	Smith Depo p. 221-222	
135	01.03.2020 Administrative update to Smith (BCM [Doe] 008300)	Smith Depo p. 224-225	
136	01.06.2020 Smith to Finnell re: Doe funding (BCM [Doe] 006472)	Smith Depo p. 225	
137	01.14.2020 Smith email to Promotions Committee Chair with Charge to Committee (BCM [Doe] 006553)	Smith Depo p. 226-227	
138	01.14.2020 Smith Letter Charging the Promotions Committee re Doe (attachment to Ex.137) (BCM [Doe] 006553) (001614-001615) <i>[(6554-6555)?]</i>	Smith Depo p. 227-228	
139	02.18.2020 Toi Harris to Appellate Subcommittee Charging them for the final appeal by Doe. (BCM [Doe] 001087-001088)	Smith Depo p. 227-228	
140	03.16.2020 Finnell to Smith re: UT (BCM [Doe] 008233)	Smith Depo p. 235-237	
141	04.01.2020 Finnell to Smith - status (BCM [Doe] 006482-006486)	Smith Depo p. 241-242	
142	04.17.2020 Smith to Finnell - administrative post-Doe (BCM [Doe] 006489)	Smith Depo p. 244	
147	Miscellaneous handwritten notes by Smith (BCM [Doe] 008435) (BCM [Doe] 008406) (BCM [Doe] 008263) (BCM [Doe] 008465)	Smith Depo p. 261-262, p. 267 p. 268 p. 270	
	RECORDINGS AND TRANSCRIPTS		
5	06.06.2019 Recording of Meeting - Doe and Finnell (R-006)	Finnell Depo p. 94-96	
	06.06.2019 Transcript of Recorded Meeting - Doe and Finnell (Plaintiff - 012170 - 012177)	Reporter Certificate	

7	06.27.2019 Recording of Meeting - Doe, Finnell, and Steele (R-007)	Finnell Depo p. 104-105, p. 114-115 p. 95-96	
	06.27.2019 Transcript of Recorded Meeting - Doe, Finnell, and Steele (Plaintiff - 012189 - 012212)	Reporter Certificate	
10	07.09.2019 Recording of Meeting - Doe and Finnell (R-008)	Finnell Depo p. 129-130 p. 95-96	
	07.09.2019 Transcript of Recorded Meeting - Doe and Finnell (Plaintiff - 012217 - 012223)	Reporter Certificate	
11	07.10.2019 Recording of Meeting - Doe and Finnell (R-009)	Finnell Depo p. 135-137 p. 95-96	
	07.10.2019 Transcript of Recorded Meeting - Doe and Finnell (Plaintiff - 012229 - 012237)	Reporter Certificate	
R-010	02.14.2020 Recording of Phone Call with Toi Harris Doe and Harris		
	02.14.2020 Transcript of Recorded Phone Call - Doe and Harris (Plaintiff - 012246 - 012260)	Reporter Certificate	
R-013	01.24.2020 Recording of Dismissal Meeting - Doe, Dean Smith, J.Banfield		
	01.24.2020 Transcript of Recorded Dismissal Meeting - Doe, Dean Smith, J.Banfield (Plaintiff - 012268 - 012283)	Reporter Certificate	

Please indicate the objection and on what grounds (e.g. foundation and/or hearsay, etc.) by Friday, January 31st, so that I can file a motion in limine seeking court decision on admission of those exhibits Baylor objects to.

Very truly yours,

Jackie A.

Jacqueline A. Armstrong